

Atty. Dkt. No. EPI3002E
(formerly EPICYTE-1)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Hiatt et al.

Title: METHODS FOR PRODUCING
IMMUNOGLOBULINS
CONTAINING PROTECTION
PROTEINS IN PLANTS AND
THEIR USE

Appl. No.: 09/982,107

Filing Date: 10/16/2001

Examiner: UNKNOWN

Art Unit: 1638

CERTIFICATE OF FACSIMILE TRANSMISSION
I hereby certify that this paper is being facsimile
transmitted to the United States Patent and Trademark
Office, Washington, D.C. on the date below.

Pridge McDougall
(Printed Name)
Pridge McDougall
(Signature)
March 21, 2002
(Date of Deposit)

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TRANSMITTAL

Commissioner for Patents
Washington, D.C. 20231
ATTN: Licensing & Review

Sir:

Transmitted herewith for the above-identified application are the following documents:

- [X] Copy of Form PTOL-456; and
- [X] Inventor Statement Under 42 U.S.C. 2182 and 2457.
- [X] No fee is believed to be due in connection with this filing; however, the Commissioner is hereby authorized to charge any fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872.

Atty. Dkt. No. EPI3002E
(formerly EPICYTE-1)

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date: March 21, 2002

FOLEY & LARDNER
P.O. Box 80278
San Diego, California 92138-0278
Telephone: (858) 847-6722
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By

A handwritten signature in cursive script, appearing to read "Lei Fang", written over a horizontal line.

for Barry S. Wilson
Attorney for Applicants
Registration No. 39,431
Lei Fang, Reg. No. 44,676

Atty. Dkt. No. EPI3002E
(formerly EPICYTE-1)STATEMENT UNDER 42 U.S.C. 2182 AND 2457

We, Mich B. Hein and Andrew C. Hiatt, citizens of the United States of America, residing at addresses set forth below, declare:

THAT we made and conceived the invention described and claimed in patent application Serial Number 09/982,107, titled "METHODS FOR PRODUCING IMMUNOGLOBULINS CONTAINING PROTECTION PROTEINS IN PLANTS AND THEIR USE;"

THAT we made and conceived this invention while employed by The Scripps Research Institute;

THAT the invention is related to the work we were employed to perform and was made within the scope of our employment duties;

THAT the Invention was made during working hours and with the use of facilities, equipment, materials, funds, information and services of The Scripps Research Institute; and

THAT to the best of our knowledge and belief:

a) the invention was not made or conceived in the course of, or in connection with, or under the terms of any contract, subcontract or arrangement entered into with or for the benefit of the United States Atomic Energy Commission or its successors: Energy Research and Development Administration or the of Energy; and

b) the Invention was not made (conceived or first actually reduced to practice) under nor is there any relationship of the invention to the performance of any work under any contract of the National Aeronautics and Space Administration.

The undersigned inventors declare further that all statements made herein of their own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Name of first Inventor Mich B. Hein

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Inventor's signature *MSH*

Date March 20, 2002

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Atty. Dkt. No. EPI3002E
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Name of second inventor

Andrew C. Hiatt

Residence

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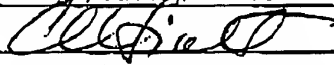
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Inventor's signature



Date

March 20, 2002


**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/982,107	10/16/01	HIATT, ET AL.	EPICYTE-1

BAKER & MCKENZIE
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EXAMINER	
ART UNIT	PAPER NUMBER
	3

DATE MAILED:

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**IF NO RESPONSE TO THIS NOTICE IS RECEIVED WITHIN FORTY-FIVE DAYS, A
FORMAL REQUIREMENT WILL BE ISSUED**

The subject matter of this application appears to:

☒ be "useful in the production or utilization of special nuclear material or atomic energy" as recited in 42 U.S.C. 2182 (Department of Energy (DOE)).

☐ "have significant utility in the conduct of aeronautical and space activities" as recited in 42 U.S.C. 2457 (National Aeronautics and Space Administration (NASA)).

Accordingly, no patent can issue on this application unless applicant(s) file a statement (under oath or in the form of a declaration as provided by 37 CFR 1.68) setting forth (1) the full facts concerning the circumstances under which the invention was made and conceived and (2) the relationship (if any) of the invention to the performance of any work under any contract or other arrangement with the Agency(ies) noted above. On the reverse side of this form is an example of an acceptable format for this statement. The language appearing in paragraphs III and/or IV of the example *must* appear if applicant is attempting to establish that no relationship (under item 2 above) exists.

If the invention disclosed in this application was developed under a contract, grant or cooperative agreement between the Agency indicated above and a person, small business or non-profit organization and rights to the invention have been determined by specific reference to 35 U.S.C. 202 in the contract, grant or cooperative agreement, then applicant need not submit the statement described above. Instead, applicant may file a verified statement (under oath or in the form of a declaration, 37 CFR 1.68) setting forth the information required by 35 U.S.C. 202(c)(6).

IF NO STATEMENT HAS BEEN RECEIVED WITHIN FORTY-FIVE DAYS OF THE MAIL DATE INDICATED ABOVE, a formal requirement for statement will then be issued. No provision is made for extension of the statutory thirty-day period for response to the formal requirement and the penalty for failure to file an acceptable and timely statement is abandonment of the application. Therefore, applicants are strongly encouraged to submit a statement at this time in order to avoid the issuance of a formal requirement.

IT IS IMPORTANT TO NOTE that the statement must accurately represent the property rights situation of the claimed invention if and when the application is found allowable. Thus, if during prosecution before the examiner, the claimed invention is so altered or the property rights situation so changed as to impact the accuracy of a statement submitted earlier, a supplemental statement must be filed. Failure to submit such additional information where appropriate may be considered a false representation of material facts and render the patent owner vulnerable to loss of patent rights and other sanctions as set forth in the statutes. The PTO will not review allowed applications for this possibility. The responsibility for complying with the statutes rests with the applicants.

Any questions regarding this requirement should be directed to Licensing and Review at (703) 306-4191.

**PLEASE DIRECT ALL COMMUNICATIONS RELATING TO THIS MATTER TO THE
ATTENTION OF LICENSING AND REVIEW**

MP

FOLEY LARDNER

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URGENT**FACSIMILE TRANSMISSION****Total # of Pages 6 (including this page)**

TO:	PHONE #:	FAX #:
Joyce Brown, Licensing & Review U.S. Patent & Trademark Office	703/306-4187	703/305-7658
cc: TC1600 (Group Art Unit 1638) U.S. Patent & Trademark Office	703/872-9305	703/872-9306

From : Barry S. Wilson**Email Address :** bwilson@foleylaw.com**Sender's Direct Dial :** 858.847.6722**Date :** March 21, 2002**Client/Matter No :** 071344-0201**User ID No :** 3067

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MESSAGE:

Re: U.S. Patent Application Serial No.: 09/982,107
Inventor Statement Under 42 U.S.C. 2182 and 2457
FILING DEADLINE - MARCH 21, 2002

URGENT

PLEASE SEE THE ATTACHED FILING IN CONNECTION WITH THE PATENT APPLICATION REFERENCED ABOVE. THANK YOU.

If there are any problems with this transmission or if you have not received all of the pages, please call 858.847.6700.

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